

REMARKS

The above amendments and these remarks are responsive to a non-final Office Action issued on February 14, 2007. By this Response, claims 1 and 5 are amended. No new matter is added. Claims 10-24 were withdrawn. Claims 1-9 are now active for examination.

In the Office Action, claims 1-4 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,801,849 (Szukala). Claims 5-8 are rejected under 35 U.S.C. §103(a) as being unpatentable over Szukala. Claim 9 is rejected under 35 U.S.C. §103(a) as being unpatentable over Szukala in view of U.S. Patent No. 7,154,481 (Cross). These rejections are respectfully traversed. Applicants hereby request reconsideration and allowance of the claims in view of the following arguments.

Regarding the rejection of claims 1-8 based on Szukala, independent claim 1 has been amended to recite that the display element has a touch sensitive active region and a graphical representation of functionality invoked by user selection of the display element. This amendment is fully supported, for example, in original claim 5, which has consequently been amended. Claim 1 has been further amended to recite that the touch sensitive active region includes more display area than the corresponding graphical representation. This amendment is fully supported, for example, at Fig. 4 and paragraph [0048] of the present application.

Referring now to Fig. 4 and paragraph [0048] of the application, each active region 410A-F of the inventive user interface advantageously includes more screen area than the corresponding graphical representation 415A-F, to facilitate discrete selection of each display element, especially when the user is wearing bulky hand protection. Szukala does not disclose that each of its display elements includes an active region and a graphical representation having an area smaller than that of

the active region, as claimed. Szukala does not teach using graphical representations, so it cannot teach or even suggest relative sizes of graphical representations and its active regions.

Szukala does not anticipate amended independent claim 1, because it does not disclose each and every element of that claim. In particular, Szukala does not disclose that each of its display elements includes an active region and a graphical representation having an area smaller than that of the active region. Moreover, it would not have been obvious to add this feature to the interface of Szukala, because Szukala does not teach providing a graphical representation. Still further, even if one were to add a graphical representation to Szukala's display, it would not have been obvious to size it and a corresponding active region as claimed, because Szukala does not appreciate the problem of facilitating discrete selection of a display element addressed by the claimed invention.

Consequently, amended independent claim 1 is patentable, as are claims 2-8, which depend from claim 1.

Regarding the obviousness rejection of dependent claim 9 based on Szukala and Cross, the Cross reference does not furnish the features of claim 1, from which claim 9 depends, missing from Szukala. Therefore, any combination of Szukala and Cross, however made, would still be missing these features, and it would not have been obvious to add these features to any Szukala/Cross combination.

Consequently, claim 9 is patentable.

For the reasons given above, Applicants believe that this application is in condition for allowance, and request that the Examiner give the application favorable reconsideration and permit it to issue as a patent. If the Examiner believes that the application can be put in even better condition for allowance, the Examiner is invited to contact Applicants' representatives listed below.

Serial No.: 10/674,409

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Michael A. Messina

Registration No. 33,424

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 MAM:llg
Facsimile: 202.756.8087
Date: May 10, 2007

**Please recognize our Customer No. 20277
as our correspondence address.**

WDC99 1363173-1.066396.0072